

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ROBERT MONTGOMERY

PLAINTIFF

V.

CAUSE NO. 3:19-CV-502-CWR-FKB-1

CHERON Y. NASH

DEFENDANT

AMENDED ORDER

Before the Court is Robert Montgomery's motion requesting permission for leave to proceed *in forma pauperis* ("IFP") on appeal to the Fifth Circuit. Docket No. 27.

28 U.S.C. § 1915(a)(1) empowers a United States District Court to authorize commencement of an appeal without paying a filing fee

by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security thereof. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

Id.

Mr. Montgomery's motion satisfies these requirements. In it, Mr. Montgomery states that he is appealing the denial of his 28 U.S.C. § 2241 habeas corpus petition. Docket No 27 at 1. He also professes his belief that he is entitled to redress due to the Supreme Court's recent ruling in *Rehaif v. United States*, 139 S.Ct. 2191 (2019). *Id.*

Mr. Montgomery also sufficiently substantiates his inability to pay the filing fee. In a signed affidavit, he swears that he cannot prepay the docket fees of his appeal or post bond for them. Docket No. 28.

Accordingly, this Court grants Mr. Montgomery's motion to proceed IFP.

SO ORDERED, this the 3rd day of December, 2021.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE